
APPLICATION NO.	23/00983/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	14.04.2023
APPLICANT	Mr Ben Boulton
SITE	7 Barker Mill Close, Rownhams, Southampton, SO16 8LJ, NURSLING AND ROWNHAMS
PROPOSAL	Garden room (retrospective)
AMENDMENTS	None
CASE OFFICER	Mr Simon Branston-Jones

Background paper (Local Government Act 1972 Section 100D)

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1.0 INTRODUCTION

- 1.1 The application has been called to Southern Area Planning Committee at the request of a member.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The application site is the rear garden of a maisonette (four dwellings) located in Rownhams.

3.0 PROPOSAL

- 3.1 Garden room (retrospective)

4.0 HISTORY

- 4.1 None

5.0 CONSULTATIONS

- 5.1 None

6.0 REPRESENTATIONS Expired 19.05.2023

- 6.1 Nursling and Rownhams Parish Council – Objection – The construction is a large unattractive box that covers 50% of a small garden, is positioned virtually up-to three boundaries and is taller than the boundary fences / wall. This is an unattractive construction that is out of character with the area, constitutes over development of the plot and is an eyesore for neighbours.

- 6.2 Neighbour – Objection – Summarised as follows:

- The structure is aesthetically unpleasant
- Is higher than the boundary wall
- Is very close to the boundary on three sides
- Is excessive in size in relation to the garden

- 6.3 Neighbour – Objection – Summarised as follows:
- Is out of scale compared to the size of the plot and dwelling
 - Is out of character with the area
 - Is unpleasant to look at – oppressive overbearing feeling
 - Potential noise impact
 - Freeholder permission may be required

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

7.2 Test Valley Borough Revised Local Plan (2016)(RLP)

Policy COM2 – Settlement Hierarchy

Policy E1 – High Quality Development in the Borough

Policy LHW4 – Amenity

Policy E5 - Biodiversity

Policy T2 – Parking Standards

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of the development
- Impact on character and appearance of the local area
- Impact on amenity
- Impact on Ecology
- Impact on Parking

8.2 **Principle of development**

The application site is located within the settlement boundary of Rownhams. In accordance with Policy COM2 of the Revised Local Plan development is considered to be acceptable in principle provided that the proposal is in accordance with other relevant policy. The proposal is assessed against the relevant policies below.

8.3 **Impact on character and appearance of the local area**

The application site is situated within an established residential area, and is the private rear garden of a maisonette.

8.4 The top edge of the structure can be seen above the rear wall (east) from Horns Drove and to a lesser extent from the footpath south of the application site (from Horns Drove to Barker Mill Close) These are the only areas that a partial public view of the structure is available.

8.5 The structure itself is timber clad with a very shallow pitched roof and would not look out of place in an urban context such as this. The design, size and scale of the structure when viewed from the public domain would not look alien and any casual passer-by is highly unlikely to consider the structure to be of a poor design or a dominant feature.

- 8.6 Although the building associated with the garden area contains four maisonettes, from the street (public view) it presents as two semi-detached dwellings or one large detached dwelling. It is considered that the structure does not appear as 'out of place' or out of scale within a residential garden in such an urban area, and this, as well as the limited and partial public views available results in the proposal having a neutral impact on the character and appearance of the area.
- 8.7 The proposal is therefore considered to be in accordance with Policy E1 of the Revised Local Plan.
- 8.8 **Impact on amenity of neighbouring property**
Due to the scale of the proposal, and the orientation of the application site relative to neighbouring properties together with the separation distances it is considered that the proposal only has the potential to impact on the immediate neighbours (the other three maisonettes within the building).
- 8.9 The application site is a private garden area associated with 7 Barker Mill Close and is located to the east of the rear elevation of the building. 7 Barker Mill Close is at ground floor level with 8 Barker Mill Close directly above. The kitchen and living/dining room areas of number 8 overlook the garden of number 7.
- 8.10 The structure is visible from these rooms when you look out and down towards the rear garden of number 7 and where the building is located. It is without doubt that the building appears large when viewed from this window. However, it does not affect light levels entering the property and a clear view of the dwellings located east of Horns Drove is still available. Because of this the proposal cannot be considered to have an overbearing effect on this property or any other surrounding dwelling.
- 8.11 The structure has potential to create additional overlooking opportunities and potential noise disturbance, however, as 8 Barker Mill Close overlooks the Garden of number 7, these mutual overlooking opportunities and potential noise disturbance opportunities already exist. It is considered that the construction of the proposal itself does not significantly increase either overlooking opportunities or potential noise levels.
- 8.12 The potential impacts of the proposal on the other first floor maisonette are considered to be similar to those on number 8, but the extent of any potential impact would be lower due to increased distance from the structure and the oblique angle that these other properties would be to the structure.
- 8.13 From the garden areas either side of the application site the proposal does extend above the close board fencing acting as boundary treatment by approximately 0.6m. The structure itself is approximately 2.5m tall, and is positioned close to the north, east and south boundaries. The structure is considered large in relation to the plot, but there is no specific planning policy restricting the permissible size of outbuildings. In this circumstance there is sufficient outdoor amenity space for the existing dwelling with the building in situ.

- 8.14 The structure is located approximately 6m away from east elevation of the main building. It is taller than the existing boundary treatments, but not significantly so. It is likely to increase shadowing on the neighbouring garden area to the north, but this is not likely to be significant due to the existing boundary treatment and the limited extent to which the proposal projects above it.
- 8.15 On balance, although the structure is visible from neighbouring properties and their associated gardens, due to its position, single storey nature and existing boundary treatment it is not considered to be overbearing or considered to significantly reduce the amount of daylight or sunlight that either enters neighbouring properties windows or garden areas.
- 8.16 The structure is also considered unlikely to significantly increase any mutual overlooking opportunities that currently exist, or likely to result in any significant increase in noise disturbance.
- 8.17 The proposal is considered to be in accordance with Policy LHW4 of the Revised Local Plan.
- 8.18 **Other matters**
Third party comments have been received relating to the loss of or impact on private (not public) views. In this case the private view beyond the structure from adjoining gardens and neighbouring windows has altered, but due to its height and single storey nature a view beyond the structure still exists, and its presence is not considered overbearing. As such limited weight can be afforded to this matter.
- 8.19 Third party comments have been received relating to a potential requirement for freeholder permission for the proposal. This is not considered to be a material planning considerations as planning permission does not override private property rights, and is likely to be a civil matter between the respective land owners / leaseholders.
- 8.20 Comments have been received relating to potential increase in noise disturbance. It is considered that the proposal itself is unlikely to significantly increase noise disturbance to adjoining properties as the area of land is already a residential garden and this use will not change. Issues relating to noise are covered under the Environmental Protection Act 1990 and as the structure is for use incidental to the enjoyment of the property, it would not be appropriate to impose any conditions on the permission in relation to hours of use.
- 8.21 **Impact on ecology**
The proposal is not considered to give rise to any adverse impacts on existing habitat or on-site ecology, in accordance with Policy E5 of the TVBRLP.
- 8.22 **Impact on parking provision**
The proposal does not give rise to an additional demand for car parking or result in the loss of existing car parking spaces to serve the dwelling, in accordance with the parking standards as set out in Annex G and Policy T2 of the TVBRLP.

9.0 **CONCLUSION**

9.1 The proposal is considered to be in accordance with the Test Valley Borough Council Revised Local Plan (2016).

10.0 **RECOMMENDATION**

PERMISSION subject to:

1. The development hereby permitted shall be begun within three years from the date of this permission.

Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers;

Proposed Plans and Elevations - C9-23-28-PL-100

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The external materials to be used in the construction of external surfaces of the development hereby permitted shall be in complete accordance with the details specified on the submitted application form.

Reason: To ensure a satisfactory visual relationship of the new development with the existing in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1.

4. The building the subject of this permission shall be used only for purposes incidental to the enjoyment of the dwelling house and shall not be used for any business, commercial or industrial purposes whatsoever.

Reason: In the interests of the amenity of the area in accordance with Test Valley Borough Revised Local Plan (2016) Policies COM2

Note to applicant:

1. In reaching this decision Test Valley Borough Council (TVBC) has had regard to the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.
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